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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,728	01/09/2001	Stefaan Valere Albert Coussement	P4644	7778
24739 7590 12/23/2010 CENTRAL COAST PATENT AGENCY, INC 3 HANGAR WAY SUITE D WATSONVILLE, CA 95076				
EXAMINER CHOUDHURY, AZIZUL Q				
ART UNIT 2453		PAPER NUMBER		
NOTIFICATION DATE 12/23/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary**Application No.**

09/757,728

Applicant(s)COUSSEMENT, STEFAAN
VALERE ALBERT**Examiner**

AZIZUL CHOUDHURY

Art Unit

2453

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-31 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-31 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

This office action is in response to the correspondence received on October 12, 2010

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goss et al (US Patent No: 6,493,447) in view of Vardi et al (US Patent No: 6,389,127), hereafter referred to as Goss and Vardi, respectively.

1. With regards to claims 1 and 19, Goss teaches through Vardi teaches a network including a communication center and a plurality of clients using communication devices, a system enabling agents of the communication center to best communicate with the clients and client devices, including configuring call-back options and preferences, the system comprising:

- customer presence software executing at each client device for monitoring client and client device status (*Goss teaches an applet running on the customer's side; see at least column 9, lines 65-67, Goss. The applet permits the monitoring of the customer's status; see at least column 17, lines 5-16, Goss*); and

- a communication-center presence software executing in the communication center for receiving information from the customer presence software (*Goss teaches another applet running on the agent's side that synchronizes data with the applet on the customer side; see column 9, lines 65-67 and column 2, line 61 - column 3, line 2, Goss*);
- characterized in that the customer presence software monitors real-time client and client device status at each client device including on-line/offline status of the client and client devices and the client's callback preferences including medium preferences and client device preferences, communicates the status information to the communication center presence software, and the communication center presence software integrates the received status information and provides the integrated result to the agents of the communication center (*Goss teaches the applets on the agent and customer side synchronizing data between one another; see column 2, line 61 – column 3, line 2, Goss. The applets permit the monitoring of the customer's status including connection status; see column 17, lines 5-16, Goss. Goss also teaches providing the customer a callback screen through which the customer can select callback preferences; see column 11, lines 5-10, Goss. These preferences include the selection of callback mediums; see column 11, lines 43-48, Goss*).

While Goss teaches a callback system that provides status information, Goss does not explicitly teach the status information includes the status of the client and the client device being available. In the same field of endeavor, Vardi also teaches a callback system; see column 1, lines 56-58, Vardi. Within Vardi's disclosure it is taught how the status information includes connection/device status (such as on-hook (on-line); see column 6, lines 9-15 and lines 26-28, Vardi) and logical/user status (such as available for calls; see column 6, lines 29-32 and column 7, lines 26-30, Vardi). Providing user and device status information helps ensure a callback is provided at the best time. Therefore it would have been obvious to one skilled in the art, during the time of the invention to have combined the teachings of Goss with those of Vardi, for the purpose of providing callback to a user when the user is available; see column 7, line 65 – column 8, line 6, Vardi.

2. With regards to claims 2 and 20, Goss teaches through Vardi, the system, wherein the network is a data-packet-network (*Goss supports the use of TCP/IP and the Internet; see column 1, line 60 – column 2, line 13, Goss*).
3. With regards to claims 3 and 21, Goss teaches through Vardi, the system, wherein the data-packet-network is the Internet network (*Goss supports the use of TCP/IP and the Internet; see column 1, line 60 – column 2, line 13, Goss*).

4. With regards to claims 4 and 22, Goss teaches through Vardi, the system, wherein the communication center markets products and or service to the clients *(Goss teaches the client receiving a callback from a business (communication center marketing products/services); see claim 1, Goss).*
5. With regards to claim 5, Goss teaches through Vardi, the system, wherein the agents are human resources employed by the communication center *(see column 13, line 4 and Figure 11, Goss).*
6. With regards to claim 6, Goss teaches through Vardi, the system, wherein the agents are automated systems implemented in hardware and software at the communications center *(Goss permits the agent/operator to be live or automated); see column 13, line 4, Goss)*
7. With regards to claim 8, Goss teaches through Vardi, the system, wherein an alert is propagated to clients *(see column 6, lines 19-21, Goss).*
8. With regards to claims 9, 29 and 30, Goss teaches through Vardi, the system, wherein the alert indicates one or more of status of the communication center, including one or more of the number of calls in queue and the estimated waiting time, and a time for callback, enabling the client to plan or to initiate a call with

high probability of success (*see column 8, lines 11-18 and column 11, lines 49-65, Goss*)

9. With regards to claim 10, Goss teaches through Vardi, the system, wherein optional callback or alert mediums include cellular, IP, and wired communications mediums (*see column 5, lines 28-30 and column 11, lines 43-45 and column 14, lines 52-55, Goss and column 6, line 60 - column 7, line 11, Vardi*).
10. With regards to claims 11 and 31, Goss teaches through Vardi, the system, wherein the optional callback or alert devices include cellular telephones, pagers, telephones, computer stations, handheld computers, and laptop computers (*see column 5, lines 10-13, Goss and column 6, line 60 - column 7, line 11, Vardi*).
11. With regard to claims 12 and 33, Goss teaches through Vardi, the system, wherein the client-status information provided to an agent automatically updates periodically (*see at least column 8, lines 60-63, Goss*).
12. With regards to claim 13, Goss teaches through Vardi, the system, wherein the client-status information is continually streamed to the subscribing agent-user during a session with a client (*see at least column 7, lines 44-53 and column 8, lines 60-63, Goss*).

13. With regards to claims 14, 26 and 27, Goss teaches through Vardi, the system, wherein the transfer of client-status information is by instant messaging technology (*see at least column 8, lines 64-65, Goss*).
14. With regards to claim 15, Goss teaches through Vardi, the system wherein the customer presence software executing at the client devices for monitoring client and device status is provided by a host of the communication center (*see applet at customer end; see column 9, lines 64-65, Goss*), and the communication-center presence software executing in the communication center communicates directly with the customer presence software executing at the client device (*see column 9, line 66 - column 10, line 2, Goss*).
15. With regards to claim 16, Goss teaches through Vardi, the system wherein one or more instances of customer presence service software are provided by a third-party presence service provider, and further comprising a presence service server operating in the network and communicating with both the instances of the presence service software and the communication center presence software executing at the communication center (*see contact server; see column 1, line 61 - column 2, line 2, Goss*).
16. With regards to claim 17, Goss teaches through Vardi, the system wherein the network is one or a combination of the Internet network, a wireless cellular

telephone network, or a public service telephone network (*See column 1, line 64 and column 2, lines 20-21, Goss. Also see column 6, line 60 – column 7, line 11, Vardi*).

17. With regards to claim 18, Goss teaches through Vardi, the system wherein one or more instances of the customer presence software are provided by the communication center host, and one or more instances are provided by a third party presence service provider, and wherein two or more client devices executing presence software are associated with a single client, the communication center presence software providing thereby regularly updated and integrated presence status over the multiple devices for the single client (*Vardi teaches a user having more than one device; see column 5, lines 47-50, Vardi*).

18. With regards to claim 23, Goss teaches through Vardi, the method wherein in step (a), the presence software executing at a client device is provided by a third-party service provider (*see column 9, lines 64-65, Goss*), and client status information is communicated through a third party server to the communication center presence software (*see contact server; see column 1, line 61 - column 2, line 2, Goss*).

19. With regards to claim 24, Goss teaches through Vardi, the method wherein in step (a), the presence software executing at a client device is provided by the host of the communication center, and the communication center presence software communicates directly with the client presence software (*see column 9, line 64 – column 10, line 2, Goss*).
20. With regards to claim 25, Goss teaches through Vardi, the method wherein in step (b), the communication center presence software operates in a call-waiting queue of the communication center (*see column 9, lines 66-67, Goss*).
21. With regards to claim 28, Goss teaches through Vardi, the method wherein in step (b), on-line/off-line status information is communicated in the form of instant messages containing the information and callback preference information is communicated through an electronic information page (*see column 2, lines 55-56 and column 11, lines 8-10 and lines 43-65, Goss*).
22. The obviousness motivation applied to claims 1 and 19 are applicable towards their respective dependent claims.

Response to Arguments

Applicant's arguments filed October 12, 2010 have been fully considered but they are not persuasive. The following are the examiner's response to the applicant's arguments.

Within the latest amendment, the applicant first makes the assumption with regards to the rejection of claims 1 and 19; that the teachings come exclusively from the Goss reference. The examiner wants to clarify that the claims are rejected under 103, by the Goss reference, in view of the Vardi reference. The teachings from Goss that correspond to the claimed feature have been cited next to that feature and referenced as coming from Goss. The next paragraph highlights the claim feature not fully taught by Goss but is taught by Vardi. The motivation to combine statement is also featured within that paragraph. This format is consistent with previous actions issued to the applicant. In addition, as always the prior arts should be considered in their entirety and should not be limited based on the provided citations.

The first point of contention addressed by the applicant concerns the claim limitation of customer presence software executing at each client device for monitoring client and client device status. The applicant contends that this monitoring is not performed by Goss at the customer premises or by the applets. The examiner respectfully disagrees. Goss teaches an applet running on the customer's side; see at least column 9, lines 65-67, Goss. The applet permits the monitoring of the customer's status; see at least column 17, lines 5-16, Goss. Goss also teaches another applet running on the agent's side that synchronizes data with the applet on the customer side; see column 9, lines 65-67 and column 2, line 61 - column 3, line 2, Goss. This

synchronized data includes connection data (a type of client device presence status). If the applets report no connection, this inherently shows the client and client device are unavailable (this is status monitoring of at least the client device if not the monitoring of the client and the client device). For purposes of clarity though, the examiner further explained that Goss does not explicitly teach the status information includes the status of the client and the client device being available. In the same field of endeavor, Vardi also teaches a callback system; see column 1, lines 56-58, Vardi. Within Vardi's disclosure it is taught how the status information includes connection/device status (such as on-hook (on-line); see column 6, lines 9-15 and lines 26-28, Vardi) and logical/user status (such as available for calls; see column 6, lines 29-32 and column 7, lines 26-30, Vardi). This is a clear teaching of client and client device status monitoring.

The second point of contention addressed by the applicant concerns the features of claim 18. Applicant contends that neither prior art teaches two or more client devices executing presence software are associated with a single client. The examiner again respectfully disagrees. Vardi teaches within column 5, lines 47-50 that a user can be associated with one or more telephone numbers. Telephone numbers are telephony device identifiers/addresses and telephony devices are client devices. Therefore, Vardi teaches a user (single client) being associated with two telephony devices (client devices).

Finally the applicant contends that the examiner failed to provide proper obviousness reasoning for making combinations of Vardi and Goss in the dependent claims. The examiner disagrees. The examiner explained that both Goss and Vardi

teach callback systems. While Goss did not explicitly cite the status information including client and client device status, Vardi, in the same field of endeavor, did explicitly cite such a feature. Providing user and device status information helps ensure a callback is provided at the best time. Therefore it would have been obvious to one skilled in the art, during the time of the invention to have combined the teachings of Goss with those of Vardi, for the purpose of providing callback to a user when the user is available; see column 7, line 65 – column 8, line 6, Vardi. The examiner then explained how the obviousness motivation applied to independent claims 1 and 19 are applicable to their respective dependent claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Srinivasan (US 6996603)
- Hanson (US 5436967)
- Atkinson (US 6658106)
- Kugell (US 6111940)
- Klingman (US 7187662 B1)
- Woods (US 6651085 B1)
- Kallas et al (US 6701366 B1)

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AZIZUL CHOUDHURY whose telephone number is (571)272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Krista Zele can be reached on (571) 272-7288. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2453

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. C./

Examiner, Art Unit 2453

/Krista M. Zele/

Supervisory Patent Examiner, Art Unit 2453